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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO. CONFIRMATION NO.	
09/878,581	06/11/2001	Susumu Nakagawa	450100-03278	2762
	7590 08/22/201 AWRENCE & HAUG	EXAMINER		
745 FIFTH AV	ENUE- 10TH FL.	SHELEHEDA, JAMES R		
NEW YORK, N	NY 10151		ART UNIT	PAPER NUMBER
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			MAIL DATE	DELIVERY MODE
			08/22/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extrational or may be a serially and with the protection of 30° PIT-1360, in the event, reward, and state the interpolation of the serial specified above, the maximum adultury prefat will expire SX (8) MONTHS from the marging date of this communication. - Fault is reply within the seri or externed period for regival it. 9 at 1913. - Fault is regived by the Office date than those margins adultury prefat will expire SX (8) MONTHS from the marging date of this communication. - Fault is regived by the Office date than those margins adultury prefat will expire SX (8) MONTHS from the marging date of this communication. - Fault is regived within the communication (s) filled on 15 August 2011. - Status - Status - Status - Status - This action is FINAL. - 2b) This action is non-final. - 3) An election was made by the applicant in response to a restriction requirement set forth during the interview on the margin of the set of th			Application	cation No. Applicant(s)					
James R. Sheleheda 2424	Office Action Occurrence		09/878,58	31	NAKAGAWA, SUSUMU				
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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/26/11 has been entered.

Response to Arguments

2. Applicant's arguments filed 07/26/11, in regards to claim 1-9, 32 and 33, have been fully considered but they are not persuasive.

In response to applicant's arguments on pages 15-18 of applicant's response, it is noted that applicant's amendment is only directed to the "download" and "package" distribution methods. Claim 1, however, does not require either of the methods, as "streaming", "download" and "package" distribution are recited in the alternative. Thus, the claim is still rejected under the "streaming" embodiment.

Applicant's arguments regarding claims 10-17, 19 and 37 are moot in view of the new grounds of rejection.

09/878,581 Art Unit: 2424

Claim Rejections - 35 USC § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. Claims 1-9, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bar-el (WO 99/26415 A1) (of record) in view of Srinivasan et al. (Srinivasan) (US 2001/0023436 A1) (of record) and Zigmond et al. (Zigmond) (6,698,020) (of record).

As to claim 1, Bar-el discloses an image content providing method of providing an image content via a network from an image content providing apparatus to an image content reproducing apparatus (page 7, lines 2-19), said image content providing method comprising the steps of:

requesting, via the stream distribution, distribution of said image content, said request sent from said image content reproducing apparatus to said image content providing apparatus (page 7, lines 20-22);

transmitting, via the network by one of stream distribution, download distribution and package distribution, said image content to said image content reproducing apparatus (Fig. 1; page 8, lines 4-18),

wherein, when said image content is transmitted via stream distribution, during transmission detecting the position of inserting the advertisement image in said image content at said image content providing apparatus (page 14, line 14-page 15, line 5);

requesting the advertisement image providing apparatus having said advertisement image to distribute said advertisement image to said image content providing apparatus (page 12, lines 3-9 and page 14, line 22-page 15, line 5) and sending the advertisement inserting condition to the advertising image providing apparatus (page 14, line 14-page 15, line 5);

selecting said advertisement image to be inserted into said image content based on at least the advertisement inserting condition (page 11, line 14-page 14, line 21) and transmitting thereof said advertisement image selected by stream distribution to said image content providing apparatus at said advertisement image providing apparatus (page 12, lines 3-9 and page 14, line 22-page 15, line 5);

inserting said advertisement image transmitted to said image content providing apparatus at the position of inserting said advertisement image in said image content at said image content providing apparatus (page 14, line 24-page 16, line 21);

distributing, via stream distribution the inserted advertisement image from said image content providing apparatus to said image content reproducing apparatus (Fig. 1-2; page 7, line 11-page 8, line 18).

While Bar-el discloses transmitting an advertising inserting condition to said image content reproducing apparatus (Fig. 6-7; page 17-18), detecting a position of inserting an advertisement image in said image content reproducing apparatus (Fig. 6-7; page 17-18), and selecting said advertisement image to be inserted into said image content based on at least an advertisement inserting condition (page 11, line 14-page 14, line 21), inserting said advertisement image transmitted to said image content

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producing apparatus at the position of inserting said advertisement image in said image content at said image reproducing apparatus (page 14, line 24-page 16, line 21 and page 17-18), and display thereof (Fig. 6-7), he fails to specifically disclose for stream distribution said image content providing apparatus transmits said image content and the advertisement images transmitted thereto by an advertisement image providing apparatus, restarting stream distribution of said image content from said image content providing apparatus to said image content reproducing apparatus when the distribution of the advertisement image finishes, said advertisement image to be inserted based upon a maximum number of distribution times and for stream distribution.

In an analogous art, Srinivasan discloses a VOD system (paragraph 202) where a user will request a video (paragraph 202) and the system will transmit the content via stream distribution by restarting stream distribution of said image content from said image content providing apparatus to said image content reproducing apparatus when the distribution of the advertisement image finishes (paragraph 202-204) and said image content providing apparatus transmits said image content and the advertisement images transmitted thereto by an advertisement image providing apparatus (paragraph 204-206) for the typical benefit of providing traditional advertisement slots for broadcast commercials within a requested video stream (paragraphs 198-202 and paragraph 44 and 85) while providing the viewer with more options and flexibility on how to receive and view their desired content (paragraph 236).

Additionally, in an analogous art, Zigmond discloses a system for providing content and advertisements (column 4, lines 15-24) which utilizes advertisements which

are provided to viewers up to a maximum number of times (column 13, lines 40-47) for the typical benefit of preventing viewers from being frustrated through excessive exposure to the same advertisement (column 13, lines 45-47).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el's system to include disclose for stream distribution said image content providing apparatus transmits said image content and the advertisement images transmitted thereto by an advertisement image providing apparatus, restarting stream distribution of said image content from said image content providing apparatus to said image content reproducing apparatus when the distribution of the advertisement image finishes, as taught in combination with Srinivasan, for the typical benefit of providing traditional advertisement slots for broadcast commercials within a requested video stream while providing the viewer with more options and flexibility on how to receive and view their desired content.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el and Srinivasan's system to include selecting an advertisement based upon a maximum number of distribution times, as taught in combination with Zigmond, for the typical benefit of preventing viewers from being frustrated through excessive exposure to the same advertisement.

As to claim 3, Bar-el, Srinivasan and Zigmond disclose wherein the position of said image content for inserting said advertisement image is detected based on advertisement inserting condition data having an advertisement image inserting position

condition for designating the position of inserting said advertisement image and an advertisement image selecting condition for designating a category of said advertisement image capable of being inserted to said image content (column 14, lines 14-21 and column 11, lines 14-19).

As to claim 4, Bar-el, Srinivasan and Zigmond disclose wherein said advertisement inserting condition data includes an advertisement image reproducing condition for designating a maximum period of time for reproducing said advertisement image when said advertisement image is inserted to said image content (page 14, lines 14-21).

As to claim 5, Bar-el, Srinivasan and Zigmond disclose wherein when said advertisement image is requested to distribute at said image content providing apparatus, said advertisement inserting condition data is transmitted to said advertisement image providing apparatus (page 11, lines 9-19) and when said advertisement image is selected at said advertisement image providing apparatus, said advertisement image is selected based on said advertisement inserting condition data (page 11, lines 9-19).

As to claim 6, Bar-el, Srinivasan and Zigmond disclose wherein when said image content is requested to distribute at said image content reproducing apparatus, viewer

information of a viewer for utilizing said image content is transmitted to said image content providing apparatus (page 10, lines 3-20).

As to claim 7, Bar-el, Srinivasan and Zigmond disclose wherein when said advertisement image is requested to distribute at said image content providing apparatus, said viewer information is transmitted to said advertisement image providing apparatus (page 11, lines 6-19) and when said advertisement image is selected at said advertisement image providing apparatus, said advertisement image is selected based on said viewer information (page 11, lines 6-19).

As to claim 8, Bar-el, Srinivasan and Zigmond disclose wherein said image content providing apparatus comprises:

a main image content distributing apparatus (Fig. 1-2); and

a plurality of deputy image content distributing apparatus (page 7, lines 13-19);

wherein said main image content distributing apparatus selects one of the deputy image content distributing apparatus from said plurality of deputy image content distributing apparatus by a request of distributing said image content from said image content reproducing apparatus and said selected deputy image content distributing apparatus distributes said image content to said image content reproducing apparatus (plurality of intermediate routers and nodes present in an Internet distribution system; page 7, lines 13-19 and page 10, line 23-page 11, line 5).

As to claim 9, Bar-el, Srinivasan and Zigmond disclose wherein said image content providing apparatus comprises:

a main image content distributing apparatus (Fig. 1-2); and

a plurality of image content distribution splitter nodes (page 7, lines 13-19).;

wherein when said main image content distributing apparatus is requested to distribute said image content, said main image content distributing apparatus selects said image content distribution splitter node and distributes said image content to said image content distribution splitter node and said image content is distributed from said image content distribution splitter node to said image content reproducing apparatus (plurality of intermediate routers and nodes present in an Internet distribution system; page 7, lines 13-19 and page 10, line 23-page 11, line 5).

As to claim 32, Bar-el, Srinivasan and Zigmond disclose wherein said image content is a moving picture (page 8, lines 11-18).

As to claims 33, while Bar-el, Srinivasan and Zigmond disclose wherein said image content is video, they fail to specifically disclose wherein said video content is one of a movie, a drama and an animation.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention to provide movies, dramas and an animation, which were all well known and popular forms of video, for the typical benefit of providing viewers with the respective form of video content, such as a movie, drama or animation, that they desire.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el, Srinivasan and Zigmond's system to include wherein said video content is one of a movie, a drama and an animation for the typical benefit of providing viewers with the respective form of video content, such as a movie, drama or animation, that they desire, in an interactive video distribution system.

As to claim 2, while Bar-el, Srinivasan and Zigmond disclose wherein when said image content is requested to distribute at said image content reproducing apparatus, said image content is selected and requested to distribute based on information for viewing said distributable image contents to be transmitted from said image content providing apparatus (page 7, line 20), they fail to specifically disclose a title list.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention to provide a title list, listing the available videos for selection, for the typical benefit of providing a well known user friendly means for viewers easily identify and select a desired video.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el, Srinivasan and Zigmond's system to include a title list for the typical benefit of providing a well known user friendly means for viewers easily identify and select a desired video.

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5. Claims 10-16, 19 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bar-el (WO 99/26415 A1) (of record) in view of Shintani et al. (Shintani) (US 2002/0124249 A1) and Zigmond et al. (Zigmond) (6,698,020) (of record).

As to claim 10, Bar-el discloses an image content providing method of providing an image content via a network from an image content providing apparatus to an image content reproducing apparatus (page 7, lines 2-19), said image content providing method comprising the steps of:

requesting, via the stream distribution, distribution of said image content, said request sent from said image content reproducing apparatus to said image content providing apparatus (page 7, lines 20-22);

transmitting, via the network by one of stream distribution, download distribution and package distribution, said image content to said image content reproducing apparatus (Fig. 1; page 8, lines 4-18),

wherein, when said image content is transmitted via stream distribution, during transmission detecting the position of inserting the advertisement image in said image content at said image content providing apparatus (page 14, line 14-page 15, line 5);

requesting the advertisement image providing apparatus having said advertisement image to distribute said advertisement image to said image content providing apparatus (page 12, lines 3-9 and page 14, line 22-page 15, line 5) and sending the advertisement inserting condition to the advertising image providing apparatus (page 14, line 14-page 15, line 5);

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selecting said advertisement image to be inserted into said image content based on at least the advertisement inserting condition (page 11, line 14-page 14, line 21) and transmitting thereof said advertisement image selected by stream distribution to said image content providing apparatus at said advertisement image providing apparatus (page 12, lines 3-9 and page 14, line 22-page 15, line 5);

inserting said advertisement image transmitted to said image content providing apparatus at the position of inserting said advertisement image in said image content at said image content providing apparatus (page 14, line 24-page 16, line 21);

distributing, via stream distribution the inserted advertisement image from said image content providing apparatus to said image content reproducing apparatus (Fig. 1-2; page 7, line 11-page 8, line 18).

While Bar-el discloses transmitting an advertising inserting condition to said image content reproducing apparatus (Fig. 6-7; page 17-18), detecting a position of inserting an advertisement image in said image content reproducing apparatus (Fig. 6-7; page 17-18), and selecting said advertisement image to be inserted into said image content based on at least an advertisement inserting condition (page 11, line 14-page 14, line 21), inserting said advertisement image transmitted to said image content producing apparatus at the position of inserting said advertisement image in said image content at said image reproducing apparatus (page 14, line 24-page 16, line 21 and page 17-18), and display thereof (Fig. 6-7), he fails to specifically disclose transmitting said image content via one of download distribution and package distribution, wherein said image content providing apparatus only providing said image content and

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advertisement inserting condition and does not provide advertisement images and does not transmit Internet addresses for advertisement images, for download distribution, requesting an advertisement image providing apparatus, having said advertisement image, to distribute said advertisement image to said image content reproducing apparatus and sending said advertisement inserting condition to said advertisement image providing apparatus by said image content reproducing apparatus, transmitting said advertisement image selected by stream distribution via the network to said image content producing apparatus, selecting said advertisement image to be inserted based upon a maximum number of distribution times and for package distribution, requesting an advertisement image providing apparatus, having said advertisement image, to distribute said advertisement image to said image content reproducing apparatus and sending said advertisement inserting condition to said advertisement image providing apparatus by said image content reproducing apparatus, transmitting said advertisement image selected by stream distribution via the network to said image content producing apparatus, selecting said advertisement image to be inserted based upon a maximum number of distribution times.

In an analogous art, Shintani discloses a VOD system (paragraph 202) where a user will request a video (paragraph 202) and the system will transmit the content via download distribution or "package" distribution (Fig. 4, 408; paragraph 49), request an advertisement image providing apparatus, having said advertisement image, to distribute said advertisement image to said image content reproducing apparatus (requesting targeted ads during playback based on ad placeholders; paragraph 50),

send said advertisement inserting condition to said advertisement image providing apparatus by said image content reproducing apparatus (paragraph 50), transmit said advertisement image selected by stream distribution via the network to said image content producing apparatus (paragraph 49-51), wherein said image content providing apparatus only providing said image content and advertisement inserting condition and does not provide advertisement images and does not transmit internet addresses for advertisement images (recorded program with ad "placeholders"; paragraph 49-50) for the typical benefit of maintaining up to date advertisements with video content (paragraph 45) while allowing viewers to record the content and playback when desired (paragraph 49-51, 2-3).

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Additionally, in an analogous art, Zigmond discloses a system for providing content and advertisements (column 4, lines 15-24) which utilizes advertisements which are provided to viewers up to a maximum number of times (column 13, lines 40-47) for the typical benefit of preventing viewers from being frustrated through excessive exposure to the same advertisement (column 13, lines 45-47).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el's system to include transmitting said image content via one of download distribution and package distribution, wherein said image content providing apparatus only providing said image content and advertisement inserting condition and does not provide advertisement images and does not transmit Internet addresses for advertisement images, for download distribution, requesting an advertisement image providing apparatus, having said advertisement image, to

distribute said advertisement image to said image content reproducing apparatus and sending said advertisement inserting condition to said advertisement image providing apparatus by said image content reproducing apparatus, transmitting said advertisement image selected by stream distribution via the network to said image content producing apparatus, selecting said advertisement image to be inserted based upon a maximum number of distribution times and for package distribution, requesting an advertisement image providing apparatus, having said advertisement image, to distribute said advertisement image to said image content reproducing apparatus and sending said advertisement inserting condition to said advertisement image providing apparatus by said image content reproducing apparatus, transmitting said advertisement image selected by stream distribution via the network to said image content producing apparatus, as taught in combination with Shintani, for the typical benefit of maintaining up to date advertisements with video content while allowing viewers to record the content and playback when desired.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Bar-el and Shintani's system to include selecting an advertisement based upon a maximum number of distribution times, as taught in combination with Zigmond, for the typical benefit of preventing viewers from being frustrated through excessive exposure to the same advertisement.

As to claim 12, Bar-el, Shintani and Zigmond disclose wherein the position of said image content for inserting said advertisement image is detected at said image

content reproducing apparatus based on advertisement inserting condition data having an advertisement image inserting position condition for designating the position of inserting said advertisement image and an advertisement image selecting condition for designating a category of said advertisement image capable of being inserted to said image content (column 14, lines 14-21 and column 11, lines 14-19).

As to claim 13, Bar-el, Shintani and Zigmond disclose wherein said advertisement inserting condition data includes an advertisement image reproducing condition for designating a maximum period of time for reproducing said advertisement image when said advertisement image is inserted to said image content (page 14, lines 14-21).

As to claim 14, Bar-el, Shintani and Zigmond disclose wherein when said advertisement image is requested to distribute at said image content providing apparatus, said advertisement inserting condition data is transmitted to said advertisement image providing apparatus (page 11, lines 9-19) and when said advertisement image is selected at said advertisement image providing apparatus, said advertisement image is selected based on said advertisement inserting condition data (page 11, lines 9-19).

As to claim 15, Bar-el, Shintani and Zigmond disclose wherein when said advertisement image is requested to distribute at said image content providing

apparatus, said viewer information is transmitted to said advertisement image providing apparatus (page 11, lines 6-19) and when said advertisement image is selected at said advertisement image providing apparatus, said advertisement image is selected based on said viewer information (page 11, lines 6-19).

As to claim 11, while Bar-el, Shintani and Zigmond disclose wherein when said image content is requested to distribute at said image content reproducing apparatus, said image content is selected and requested to distribute based on information for viewing said distributable image contents to be transmitted from said image content providing apparatus (page 7, line 20), they fail to specifically disclose a title list.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention to provide a title list, listing the available videos for selection, for the typical benefit of providing a well known user friendly means for viewers easily identify and select a desired video.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el, Shintani and Zigmond's system to include a title list for the typical benefit of providing a well known user friendly means for viewers easily identify and select a desired video.

As to claim 16, Bar-el, Shintani and Zigmond disclose wherein said image content is provided by said image content providing apparatus by subjecting said image

content to download distribution to said image content reproducing apparatus (see Shintani at paragraph 49-51).

As to claim 19, see the rejection of claim 10 above.

As to claim 37, see the rejection of claim 10 and 16 above.

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bar-el, Shintani and Zigmond and further in view of Hite.

As to claim 17, while Bar-el, Shintani and Zigmond disclose transmitting and storing the image content to the image content reproducing apparatus prior to reproduction (see Shintani at paragraph 49-51), they fail to specifically disclose wherein said image content is provided by said image content providing means by transmitting an information recording medium recorded with said image content to said image content reproducing apparatus.

In an analogous art, Hite discloses system for providing image content and advertisement images (column 7) where the content is provided by transmitting an information recording medium recorded with said content to said image content reproducing apparatus (column 9, lines 15-42) for the typical benefit of providing viewers with additional means to receive programming, which would reduce system

bandwidth and could be provided during times that the transmission network is malfunctioning.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el, Shintani and Zigmond's system to include wherein said image content is provided by said image content providing means by transmitting an information recording medium recorded with said image content to said image content reproducing apparatus, as taught in combination with Hite, for the typical benefit of providing viewers with additional means to receive programming, which would reduce system bandwidth and could be provided during times that the transmission network is malfunctioning.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Sheleheda whose telephone number is (571)272-7357. The examiner can normally be reached on Monday - Friday, 9:00AM -5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pankaj Kumar can be reached on (571) 272-3011. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/James R Sheleheda/ Primary Examiner, Art Unit 2424